

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Teshome Sok Sameru,

File No. 23-cv-2645 (ECT/ECW)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Lisa Stenseth, Warden,

Respondent.

Petitioner Teshome Sok Sameru commenced this action pro se by filing a petition for a writ of habeas corpus. ECF No. 1. Respondent Lisa Stenseth filed a motion to dismiss. ECF No. 10. The case is now before the Court on a Report and Recommendation [ECF No. 17] issued by Magistrate Judge Elizabeth Cowan Wright. Magistrate Judge Wright recommends dismissing Sameru's petition, finding the state trial court and Minnesota Court of Appeals rejected Sameru's confrontation clause challenge consistent with Supreme Court precedent. ECF No. 17 at 13. Sameru objects to the Report and Recommendation. ECF No. 18. Respondent did not respond to Sameru's objections. Because Sameru objected, the Report and Recommendation is reviewed de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and concludes Magistrate Judge Wright's analysis and conclusions are correct. And Sameru's procedural objection—that Respondent should have filed a response or reply instead of a motion to dismiss—lacks merit. *See Morrow v. Grandlienard*, No. 14-cv-3023 PJS/BRT, 2015 WL 1782593, at *5 (D. Minn. Apr. 20,

2015) (Schiltz, J.) (“Rules 4 and 5 of the Habeas Rules specifically contemplate that the respondent may file a motion to dismiss—as the State did here—in lieu of a more complete answer to the habeas petition.”).

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objections to the Report and Recommendation [ECF No. 18] are **OVERRULED**;
2. The Report and Recommendation [ECF No. 17] is **ACCEPTED** in full;
3. Teshome Sok Sameru’s Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 [ECF No. 1] is **DENIED WITH PREJUDICE**;
4. Respondent Lisa Stenseth’s Motion to Dismiss [ECF No. 10] is **GRANTED**;
and
5. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 21, 2023

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court